

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEMARIA L. WYNN
as Guardian for Duane L. Wallace, a protected individual,
and
DUANE L. WALLACE, a protected individual,

Plaintiffs,

-vs-

Case No. 06-10534
HON. AVERN COHN

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

/

ORDER DENYING DEFENDANT'S MOTION IN LIMINE
TO STRIKE PLAINTIFF'S EXPERT WITNESSES
FOR FAILURE TO COMPLY WITH FRCP 26(a)(2) (DOC. 72)¹

This is an attendant care case under Michigan's No Fault Act. The jurisdiction of the Court is based on diversity. Defendant has filed a motion styled Motion in Limine to Strike Plaintiff's Expert Witnesses for Failure to Comply with FRCP 26 (a)(2) (doc. 72).

¹ The Court reminds the parties that in the Sixth Circuit, a ruling on a motion in limine is advisory only. United States v. Yannott, 42 F.3d 999, 1007 (6th Cir. 1994). To preserve for appeal any issue relating to this decision, a party must raise the question at trial and obtain a final decision from the Court. See United States v. Luce, 713 F.2d 1236, 1239–40 (6th Cir. 1983).

For the reasons stated on the record at a hearing on March 30, 2009, the motion is DENIED. Plaintiff will provide a list of Laura Kling's deposition testimonies and her statement of compensation. Plaintiff produced Robert Ancell's deposition testimonies and his statement of compensation at the hearing.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: March 30, 2009

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, March 30, 2009, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160